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Congress of the United States
Washington, DC 20512

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Federal Communications Commission
Office of the Secretary

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December 20, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

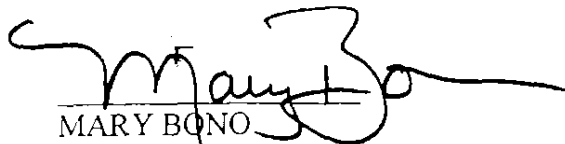
Re: *Ex Parte Presentation*
CC Docket No. 99-200

Dear Ms. Dortch:

On December 19, 2002, the attached letter **was** forwarded to Chairman Michael K. Powell regarding a **matter** pending in the above-referenced docket.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed **with** your office. Should you have any questions regarding this submission, please do not hesitate to contact Michael Sullivan on my staff at 202-669-3471.

Respectfully submitted,


MARY BONO
Member of Congress

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Congress of the United States
Washington, DC 20515

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Federal Communications Commission
Office of the Secretary

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CPUC TSO Technology-Specific Overlays Petition
CC Docket No. 99-200

Dear Chairman Powell:

We are writing to urge the Commission to deny requests from states requesting the authority to implement technology-specific overlays ("TSOs") that would require a "take-back" of wireless numbers. TSOs, or service overlays ("SOs") that establish a new overlay area code for wireless services are unnecessary in the current numbering environment, and would unduly harm wireless customers, particularly where there is a "take-back" of customers' existing numbers. Such a discriminatory overlay and "take-back" of wireless numbers would be anti-competitive and would run counter to the FCC's thoughtful record of opposition to discriminatory numbering rulings.

As recent projections by the North American Numbering Plan Administrator ("NANPA") indicate, the Commission's numbering conservation measures to date have helped to ensure that numbering resources are used efficiently and extended the projected dates for area code exhaust. In recent 2002 estimates, NANPA has extended the projected exhaust date for approximately 215 area codes, some by as much as twelve years. We commend the Commission for effectively implementing numbering resource optimization measures such as number pooling. In light of the effectiveness of these measures in addressing numbering exhaust, we urge the Commission to refrain from implementing any plan that would require the drastic measure of taking back a consumer's wireless number.


In particular, we strongly advise against authorizing a TSO that would require wireless customers who currently have numbers to involuntarily relinquish their existing numbers and be assigned a new number from the overlay code. Such a "take-back" would unfairly and adversely impact wireless customers, requiring them to have their phones reprogrammed and potentially even suffer service cut-offs. Further, such a TSO also has serious anti-competitive ramifications because only wireline customers would have access to numbers in the old area code.

Letter to Commissioner Powell
December 20, 2002
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As of November 24, 2002, wireless carriers began participating in number pooling, which has already helped alleviate the demand for numbers. As the Commission recognized, the "benefits of number pooling are enhanced when a larger number of carriers are able to participate in pooling within an NPA, which *diminishes the need to restrict access to the SO* to a subset of users of numbering resources."

In light of these facts, we urge the Commission to deny requests for TSO authority that would impose adverse impacts on customers by "taking-back" wireless numbers.

Sincerely,



MARY BONO
Member of Congress



GEORGE RADANOVICH
Member of Congress

CC: Commissioner Abernathy
Commissioner Copps
Commissioner Martin
Commissioner Adelstein
Jim Schlichting - Wireless Bureau
David Furth - Wireless Bureau
Bill Maher - Wireline Bureau
Diane Griffen - Wireline Bureau.

¹ NRO Third Rep and Order at para. 87 (Emphasis added).